



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1850  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,106	11/21/2001	Yutaka Hasegawa	393032028900	7485

25224 7590 02/08/2006

MORRISON & FOERSTER, LLP  
555 WEST FIFTH STREET  
SUITE 3500  
LOS ANGELES, CA 90013-1024

EXAMINER

NGUYEN, THANH T

ART UNIT

PAPER NUMBER

2144

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/992,106

Applicant(s)

HASEGAWA ET AL.

Examiner

Tammy T. Nguyen

Art Unit

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE (3) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12, 14, 15 and 17-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14, 15 and 17-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/5/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_



**UNITED STATES PATENT AND TRADEMARK OFFICE**

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

***Detailed Office Action***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 5, 2005 has been entered.
2. Claims 13 and 16 are cancelled.
3. Claims **1-12, 14, 15, and 17-26** are presented for examination.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-12, 14, 15, and 17-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katz et al., (hereinafter Katz) U.S. Patent No. 5,926,624 in view of Ralph Shnelvar., (hereinafter Shnelvar) U.S. Patent No. 6,374,266.
6. As to claim 1, Katz teaches the invention as claimed, including a program creation/supply apparatus connectable with a client apparatus via a communication network, comprising: a storage section that stores a plurality of items of content and a program file defining one or more items of content (fig.1, main memory 104) (also Fig.7) (see col.3, lines 14-65, and col.16, lines 34-62); and a processor section coupled with said storage section and adapted to (fig.1, processor 102) (see col.3, lines 25-50, and col.4, lines 27-41): prompt the client apparatus to select one or more items of content and to input desired additional information in correspondence with the one or more items of content selected by the client apparatus (Fig.2) (see col.8, lines 5-62, after client selected then server provide to client), said additional information comprising a user's comment (see col.8, lines 5-40) (client's request) (see col.10, lines 20-40) (user input) to be displayed in the client apparatus, and create a program file defined by the selected one or more items of content and including additional information, on the basis of content selection information and the additional information transmitted from the client apparatus via the communication network (fig.2)(also Fig.5) ( see col.2, lines 10-30, col.7, line 49 to col.8, line 62, col.13, lines 25-50, col.16, lines 12-62). But Katz does not explicitly teach a selected corresponding item of content is being reproduced in the client apparatus. However; Shnelvar teaches a selected corresponding item of content is being reproduced in the

client apparatus (see col.3, lines 7-35, and col.14, lines 48-67. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to implement the teachings of Shnelvar into the computer system of Katz to have a selected corresponding item of content is being reproduced in the client apparatus because it would have provided specific functions that can reduce the volume of data to be stored, and eliminate or reduce redundancy between files in a system.

7. As to claim 2, - Katz teaches the invention as claimed, wherein said processor section allows a user of the client apparatus to select, from among the plurality of items of content stored in said storage section, only an item of content having been preset as usable by the user (fig.7) (see col.16, lines 34-63).
8. As to claim 3, Katz teaches the invention as claimed, wherein said processor section supplies the client apparatus with a listing of usable items of content so that the client apparatus prompts a user of the client apparatus to select one or more desired items of content from the listing via the client apparatus (see col.7, lines 50-67, and col.16, lines 34-63).
9. As to claim 4, Katz teaches the invention as claimed, wherein said processor section supplies the client apparatus with browser screen information so that the client apparatus prompts a user of the client apparatus to input desired additional information via the client apparatus (Fig.1, keyboard 122).
10. As to claim 5, Katz teaches the invention as claimed, 1 wherein said processor section is adapted to store the created program file in said storage section (see col.8, lines 5-55).

11. As to claim 6 Katz teaches the invention as claimed, wherein the created program file stored in said storage section is not only usable by the client apparatus having created the program file or a user of the client apparatus, but also usable by another client apparatus or a user of the another client apparatus (see col.13, lines 12-57, and col.16, lines 12-33).
12. As to claim 7, Katz teaches the invention as claimed, wherein said processor section is adapted to, in response to a request of the client apparatus, read out a program file from said storage section and transmit the program file to the client apparatus, and said processor section is further adapted to read out one or items of content, defined by the transmitted program file, from said storage section and transmit the one or items of content to the client apparatus (see col.8, lines 5-62).
13. As to claim 8, v teaches the invention as claimed, wherein said storage section contains a plurality of types of content (see col.16, lines 45-63).
14. As to claim 10, Katz teaches the invention as claimed, wherein when the program file including the additional information is reproduced, the additional information is reproduced together with the program file (see col.8, lines 5-63).
15. As to claim 11, Katz teaches the invention as claimed, wherein the additional information is visual information, and when the program file including the additional information is reproduced, the additional information is visually displayed on a display device (fig.1) (see col.3, lines 14-65).
16. As to claim 12, Katz teaches the invention as claimed, wherein the program file defines reproducing order of a plurality of items of content (see col.16, lines 34-63).

17. As to claim 14, Katz teaches the invention as claimed, wherein said processor section is further adapted to: prompt a client apparatus on the communication network to select a desired program file; and read out the selected desired program file from said storage section on the basis of content selection information transmitted from the client apparatus via the communication network and transmit the selected desired program file to the client apparatus (fig.5)(see col.16, lines 12-34).
18. As to claim 15, Katz teaches the invention as claimed, wherein said processor section is further adapted to read out one or items of content, defined by the selected desired program file, from said storage section and transmit the one or items of content to the client apparatus (see col.16, lines 34-63).
19. As to claim 17, Katz teaches the invention as claimed, including a program creation/supply apparatus connectable with a client apparatus via a communication network, comprising: a storage section that stores a plurality of items of content and a program file defining one or items of content (fig.1, main memory 104) (also Fig.7) (see col.3, lines 14-65, and col.16, lines 34-62); and a processor section coupled with said storage section and adapted (fig.1, processor 102) to: receive an item of content from the client apparatus via the communication network and additionally store the received item of content in said storage section and prompt the client apparatus to select one or more desired items of content from among the one or more items of content selected by the client apparatus (Fig.2) (see col.8, lines 5-62, after client selected then server provide to client), said additional information comprising a user's comment (see col.8, lines 5-40) (client's request) (see col.10, lines 20-40) (user input) to be displayed in the client apparatus, and create a program file defined by

the selected one or more desired items of content and including additional information, on the basis of content selection information and the additional information transmitted from the client apparatus via the communication network(fig.2)(also Fig.5) ( see col.2, lines 10-30, col.7, line 49 to col.8, line 62, col.13, lines 25-50, col.16, lines 12-62). But Katz does not explicitly teach a selected corresponding item of content is being reproduced in the client apparatus. However, Shnelvar teaches a selected corresponding item of content is being reproduced in the client apparatus (see col.3, lines 7-35, and col.14, lines 48-67. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to implement the teachings of Shnelvar into the computer system of Katz to have a selected corresponding item of content is being reproduced in the client apparatus because it would have provided specific functions that can reduce the volume of data to be stored, and eliminate or reduce redundancy between files in a system.

20. As to claim 18, Katz teaches the invention as claimed, wherein said processor section allows a user of the client apparatus to select, from among the plurality of items of content stored in said storage section, only an item of content having been preset as usable by the user (see col.7, line 50 to col.8, line 4).

21. As to claim 19, Katz teaches the invention as claimed, wherein said processor section is adapted to, in response to a request of the client apparatus, read out the program file from said storage section and transmit the program file to the client apparatus, and said processor section is further adapted to read out one or items of content, defined by the transmitted program file, from said storage section and transmit the one or items of content to the client apparatus (Fig.2).



22. As to claim 20, Katz teaches the invention as claimed, wherein said processor section supplies the client apparatus with browser screen information to be used for adding a desired item of content, to thereby allow the client apparatus to transmit a desired item of content (see col.8, lines 5-62).
23. As to claim 21, Katz teaches the invention as claimed, including a program creation/supply apparatus connectable with a client apparatus via a communication network, comprising: a storage section that stores a plurality of items of content and a program file defining one or items of content (fig.1, main memory 104) (also Fig.7) (see col.3, lines 14-65, and col.16, lines 34-62); and a processor section coupled with said storage section and adapted (fig.1, processor 102) to: prompt the client apparatus to select one or more desired items of content (Fig.2) (see col.8, lines 5-62, after client selected then server provide to client) and to input desired additional information in correspondence with the one or more items of content selected by the client apparatus (Fig.2) (see col.8, lines 5-62, after client selected then server provide to client), said additional information comprising a user's comment (see col.8, lines 5-40) (client's request) (see col.10, lines 20-40) (user input) to be displayed in the client apparatus, and create a program file defined by the selected one or more desired items of content and including additional information, on the basis of content selection information and the additional information transmitted from said client apparatus via the communication network and additionally store the created program file in said storage section (fig.2)(also Fig.5) ( see col.2, lines 10-30, col.7, line 49 to col.8, line 62, col.13, lines 25-50, col.16, lines 12-62); prompt a given client apparatus on the communication network to select a

desired program file from among a plurality of program files, including the additionally stored program file, stored in said storage section (see col.8, lines 5-62); and download, to the given client apparatus, the selected desired program file and content defining the selected desired program file, on the basis of program file selection information transmitted from the given client apparatus via the communication network, wherein the given client apparatus can use the downloaded program file and content defining the downloaded program file on an offline basis (see col.8, line 5 to col.9, line 62). But Katz does not explicitly teach a selected corresponding item of content is being reproduced in the client apparatus. However, Shnelvar teaches a selected corresponding item of content is being reproduced in the client apparatus (see col.3, lines 7-35, and col.14, lines 48-67. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to implement the teachings of Shnelvar into the computer system of Katz to have a selected corresponding item of content is being reproduced in the client apparatus because it would have provided specific functions that can reduce the volume of data to be stored, and eliminate or reduce redundancy between files in a system.

24. As to claim 22, Katz teaches the invention as claimed, wherein when the given client apparatus having selected the desired program file is not the client apparatus that created the program file, said processor section is further adapted to determine whether or not the selected desired program file and content defining the selected desired program file may be downloaded to the given client apparatus (see col.8, line 5 to col.9, line 62).
25. As to claim 23, Katz teaches the invention as claimed, including a computer program comprising computer program code means for causing said computer to perform a

method for creating and supplying a program by means of an apparatus connectable with a client via a communication network, said apparatus including a storage section that stores a plurality of items of content and a program file defining one or more items of content, said method comprising: a step of prompting the client to select one or items of content and to input desired additional information in correspondence with the one or more items of content selected by the client (fig.1, main memory 104) (also Fig.7) (see col.3, lines 14-65, and col.16, lines 34-62), said additional information comprising a user's comment to be displayed in the client (see col.8, lines 5-40) (client's request) (see col.10, lines 20-40) (user input) ; and a step of creating a program file defined by the one or items of content selected by the client and including additional information, on the basis of content selection information and the additional information transmitted from the client via the communication network (fig.2)(also Fig.5) ( see col.2, lines 10-30, col.7, line 49 to col.8, line 62, col.13, lines 25-50, col.16, lines 12-62). But Katz does not explicitly teach a selected corresponding item of content is being reproduced in the client apparatus. However, Shnelvar teaches a selected corresponding item of content is being reproduced in the client apparatus (see col.3, lines 7-35, and col.14, lines 48-67. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to implement the teachings of Shnelvar into the computer system of Katz to have a selected corresponding item of content is being reproduced in the client apparatus because it would have provided specific functions that can reduce the volume of data to be stored, and eliminate or reduce redundancy between files in a system.

26. As to claim 24, Katz teaches the invention as claimed, which further a step of storing the program file, created by said step of creating, in said storage section (fig.2)(also Fig.5) ( see col.2, lines 10-30, col.7, line 49 to col.8, line 62, col.13, lines 25-50, col.16, lines 12-62).

27. As to claim 25, Katz teaches the invention as claimed, including a computer program comprising computer program code means for causing said computer to perform a method for creating and supplying a program by means of an apparatus connectable with a client via a communication network, said apparatus including a storage section that stores a plurality of items of content and a program file defining one or items of content, said method comprising: a step of receiving an item of content from the client via the communication network and additionally storing the received item of content in said storage section (fig.1, main memory 104) (also Fig.7) (see col.3, lines 14-65, and col.16, lines 34-62) and to input desired additional information in correspondence with the one or more items of content selected by the client apparatus, said additional information comprising a user's comment to be displayed in the client (see col.8, lines 5-40) (client's request) (see col.10, lines 20-40) (user input); a step of prompting the client to select one or more desired items of content from among the items of content, including the additionally stored item of content, stored in said storage section (see col.8, lines 5-62); and a step of creating a program file defined by the one or more desired items of content selected by the client and including additional information, on the basis of content selection information and the additional information transmitted from the client via the communication network (fig.2)(also Fig.5) ( see col.2, lines 10-30, col.7, line 49 to col.8,

line 62, col.13, lines 25-50, col.16, lines 12-62). But Katz does not explicitly teach a selected corresponding item of content is being reproduced in the client apparatus.

However, Shnelvar teaches a selected corresponding item of content is being reproduced in the client apparatus (see col.3, lines 7-35, and col.14, lines 48-67. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to implement the teachings of Shnelvar into the computer system of Katz to have a selected corresponding item of content is being reproduced in the client apparatus because it would have provided specific functions that can reduce the volume of data to be stored, and eliminate or reduce redundancy between files in a system.

28. As to claim 26, Katz teaches the invention as claimed, including a computer program comprising computer program code means for causing said computer to perform a method for creating and supplying a program by means of an apparatus connectable with a client via a communication network, said apparatus including a storage section that stores a plurality of items of content and a program file defining one or items of content, said method comprising: a step of prompting the client to select one or more desired items of content (fig.1, main memory 104) (also Fig.7) (see col.3, lines 14-65, and col.16, lines 34-62) and to input desired additional information in correspondence with the one or more items of content selected by the client apparatus, said additional information comprising a user's comment to be displayed in the client (see col.8, lines 5-40) (client's request) (see col.10, lines 20-40) (user input); a step of creating a program file defined by the one or more desired items of content selected by the client and including additional information, on the basis of content selection information and the additional information

transmitted from the client via the communication network and additionally storing the created program file in said storage section (Fig.2 and Fig.5)(see col.2, lines 10-30, col.7, line 49 to col.8, line 62, col.13, lines 25-50, col.16, lines 12-62); a step of prompting a given client on the communication network to select a desired program file from among a plurality of program files, including the additionally stored program file, stored in said storage section (see col.8, lines 5-62); and a step of downloading, to the given client, the selected desired program file and content defining the selected desired program file, on the basis of program file selection information transmitted from the given client via the communication network, wherein the given client can use the downloaded program file and content defining the downloaded program file on an off line basis (see col.8, line 5 to col.9, line 62). But Katz does not explicitly teach a selected corresponding item of content is being reproduced in the client apparatus. However, Shnelvar teaches a selected corresponding item of content is being reproduced in the client apparatus (see col.3, lines 7-35, and col.14, lines 48-67. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to implement the teachings of Shnelvar into the computer system of Katz to have a selected corresponding item of content is being reproduced in the client apparatus because it would have provided specific functions that can reduce the volume of data to be stored, and eliminate or reduce redundancy between files in a system.

### ***Response to Arguments***


29. Applicant's arguments with respect to claims **1-12, 14, 15, and 17-26** have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

30. Any inquiries concerning this communication or earlier communications from the examiner should be directed to **Tammy T. Nguyen** who may be reached via telephone at **(571) 272-3929**. The examiner can normally be reached Monday through Friday between 8:00 a.m. and 5:00 p.m. eastern standard time.

If you need to send the Examiner, a facsimile transmission regarding this instant application, please send it to **(703) 872-9306**. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, David Wiley, may be reached at **(571) 272-3923**.

*TTN*  
February 2, 2006

  
**DAVID WILEY**  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100